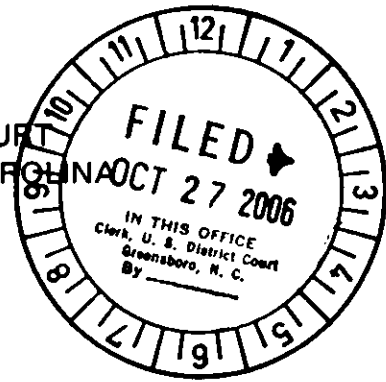


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



ALICE J. ALSTON

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY and THE IBM LONG-TERM
DISABILITY PLAN,

Defendants.

1:05CV00121

JUDGMENT

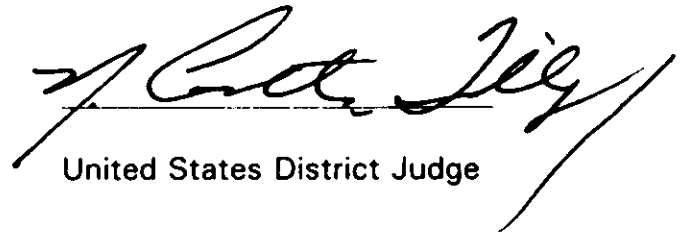
TILLEY, District Judge

This case arises from a dispute between Plaintiff Alice J. Alston and Defendants Metropolitan Life Insurance Company and the IBM Long-Term Disability Plan concerning the termination of Ms. Alston's long-term disability benefits. On June 21, 2006, an Order and Recommendation of United States Magistrate Judge ("Recommendation") [Doc. # 41] was filed and notice was served on the parties pursuant to 28 U.S.C. § 636(b). Plaintiff timely filed objections to the Recommendation and Defendants have responded. The Court has reviewed the objected-to portions of the Recommendation and has made a de novo determination which is in accord with the Recommendation.

IT IS THEREFORE ORDERED that: (1) Defendant's Motion for Summary Judgment [Doc. # 24] is GRANTED; (2) Plaintiff's Motion for Summary Judgment [Doc. # 18] is DENIED; and (3) Plaintiff's Motion for Pre-Judgment Interest,

Attorney's Fees and Costs [Doc. # 20] is DENIED AS MOOT. This case is thereby
DISMISSED.

This 27TH day of October, 2006



United States District Judge